

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CHARLES L. THOMAS,

Plaintiff,

v.

JEFFRY HOOD, *et al.*,

Defendants.

No. 10-5369RJB/JRC

ORDER

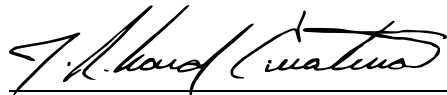
This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judges' Rules MJR 1, MJR 3, and MJR 4.

The matter before the court is plaintiff's motion for appointment of counsel (DKT # 6).

There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the court can request counsel to represent a party, 28 U.S.C. § 1915(e)(1), the court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.

1 Plaintiff has demonstrated an adequate ability to articulate his claims pro se and has not  
2 made an argument regarding the likelihood of success on the merits. According, the motion (Dkt  
3 # 6) is **DENIED**.

4 DATED this 28<sup>th</sup> day of June, 2010.

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8 J. Richard Creatura  
9 United States Magistrate Judge  
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